

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2015

***ROUGH DRAFT
JOURNAL***

FORTY-THIRD DAY

APRIL 8, 2015

OFFICE OF THE CHIEF CLERK

BT

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FORTY-THIRD DAY

Wednesday, April 8, 2015

The House of Representatives of the Twenty-Eighth Legislature of the State of Hawaii, Regular Session of 2015, convened at 12:05 o'clock p.m., with Vice Speaker Mizuno presiding.

The invocation was delivered by Reverend Samuel L. Domingo of Kilohana United Methodist Church Niu Valley, after which the Roll was called showing all Members present with the exception of Representatives Oshiro, Say and Ward, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Second Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 404 through 410) were received and announced by the Clerk:

Sen. Com. No. 404, transmitting S.C.R. No. 42, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO REVIEW ITS ORDINANCES REGARDING THE MINIMUM DISTANCE WITHIN WHICH VEHICLES CAN PARK FROM INTERSECTIONS AND DRIVEWAYS," which was adopted by the Senate on April 7, 2015.

Sen. Com. No. 405, transmitting S.C.R. No. 47, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO PROMOTE AWARENESS AND SAFETY OF PEDESTRIANS WHO ARE BLIND AND VISUALLY IMPAIRED," which was adopted by the Senate on April 7, 2015.

Sen. Com. No. 406, transmitting S.C.R. No. 84, entitled: "SENATE CONCURRENT RESOLUTION URGING DRIVER EDUCATION AND LICENSING PROGRAMS TO EMPHASIZE COURTEOUS AND RESPONSIBLE DRIVING, INCLUDING THE REDUCTION OF TRAFFIC CONGESTION," which was adopted by the Senate on April 7, 2015.

Sen. Com. No. 407, transmitting S.C.R. No. 144, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO SUGGEST DEFINITIONS FOR SMALL AND LARGE FARMS AND BONA FIDE FARMER," which was adopted by the Senate on April 7, 2015.

Sen. Com. No. 408, transmitting S.C.R. No. 172, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII BOARD OF EDUCATION TO REDUCE RELIANCE ON STANDARDIZED TESTING AND STRIVE TOWARDS A DIFFERENT METHOD OF MEASURING ACCOUNTABILITY IN THE EDUCATION SYSTEM," which was adopted by the Senate on April 7, 2015.

Sen. Com. No. 409, transmitting S.C.R. No. 194, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO DEVELOP A PLAN FOR THE ESTABLISHMENT OF A PORTS AUTHORITY FOR AIRPORTS AND HARBORS," which was adopted by the Senate on April 7, 2015.

Sen. Com. No. 410, transmitting H.B. No. 268, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," which passed Third Reading in the Senate on April 7, 2015.

Representative Saiki moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Oshiro, Say and Ward were excused.)

H.B. No. 268, HD 2, (SD 1)

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Choy introduced his constituent, Mr. Martin Eby.

Representative Tokioka, on behalf of the Kauai delegation, introduced Mr. Klayton Kubo.

At 12:12 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:23 o'clock p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Tupola and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Oshiro and Ward were excused.)

UNFINISHED BUSINESS

Representatives Rhoads and McKelvey, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1369) recommending that S.B. No. 2, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1370) recommending that S.B. No. 1131, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1131, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1371) recommending that S.B. No. 550, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 550, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Ward being excused.

At 12:25 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2, SD 2, HD 2
S.B. No. 1131, SD 2, HD 2
S.B. No. 550, SD 1, HD 2

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1377) recommending that S.B. No. 415 pass Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 415, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE SIGNALS," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1378) recommending that S.B. No. 225, SD 1 pass Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 225, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1379) recommending that S.B. No. 564, SD 1 pass Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 564, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1380) recommending that S.B. No. 913, SD 1 pass Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 913, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1381) recommending that S.B. No. 987, SD 1, HD 1 pass Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 987, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POST-SECONDARY EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Oshiro and Ward being excused.

At 12:26 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 415
S.B. No. 225, SD 1
S.B. No. 564, SD 1
S.B. No. 913, SD 1
S.B. No. 987, SD 1, HD 1

Representative Luke, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1382) recommending that S.B. No. 1107, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1382 on S.B. No. 1107, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1107, HD 2, were made available to the Members of the House.

Representative Rhoads, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1383) recommending that S.B. No. 1166, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1383 on S.B. No. 1166, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1166, SD 2, HD 2, were made available to the Members of the House.

Representative Rhoads, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1384) recommending that S.B. No. 611, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1384 on S.B. No. 611, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 611, SD 1, HD 2, were made available to the Members of the House.

Representative Rhoads, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1385) recommending that S.B. No. 982, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1385 on S.B. No. 982, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 982, SD 1, HD 2, were made available to the Members of the House.

Representative McKelvey, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1386) recommending that S.B. No. 233, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1386 on S.B. No. 233, SD 1, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 233, SD 1, HD 1, were made available to the Members of the House.

Representative McKelvey, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1387) recommending that S.B. No. 589, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1387 on S.B. No. 589, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 589, SD 2, HD 2, were made available to the Members of the House.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1388) recommending that S.B. No. 1156, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1156, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Oshiro and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1389) recommending that S.B. No. 569, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that S.B. No. 569, SD 1, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative McDermott rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Tupola rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Kawakami rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Har rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fukumoto Chang rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Tokioka rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Matsumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative DeCoite rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pouha rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Aquino rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 569, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Cullen and Yamane voting aye with reservations, with Representatives DeCoite, Fukumoto Chang, Har, Kawakami, Matsumoto, McDermott, McKelvey, Pouha, Thielen, Tokioka and Tupola voting no, and with Representatives Oshiro and Ward being excused.

Representative Takayama, for the Committee on Public Safety, presented two reports:

(Stand. Com. Rep. No. 1390) recommending that H.R. No. 114, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1391) recommending that H.C.R. No. 178, as amended in HD 1, be adopted.

Representative Saiki moved that the reports of the Committee be adopted, and that H.R. No. 114, HD 1; and H.C.R. No. 178, HD 1 be adopted, seconded by Representative Evans.

Representative Ing rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 114, HD 1, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO DEVELOP A MODERNIZED OAHU CORRECTIONAL FACILITY WITHIN THE HALAWA CORRECTIONAL FACILITY THROUGH A PUBLIC-PRIVATE PARTNERSHIP," was adopted, with Representative Ing voting aye with reservations, and with Representatives Oshiro and Ward being excused; and

H.C.R. No. 178, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DEVELOP A MODERNIZED OAHU CORRECTIONAL FACILITY WITHIN THE HALAWA CORRECTIONAL FACILITY THROUGH A PUBLIC-PRIVATE PARTNERSHIP," was adopted, with Representative Ing voting aye with reservations, and with Representatives Oshiro and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1392) recommending that H.R. No. 99 be adopted.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 99, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EXAMINE IF AND HOW OTHER STATES REGULATE TOUR OPERATORS WITHIN THEIR JURISDICTION," was adopted, with Representatives Oshiro and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1393) recommending that H.C.R. No. 162 be adopted.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO EXAMINE IF AND HOW OTHER STATES REGULATE TOUR OPERATORS WITHIN THEIR JURISDICTION," was adopted, with Representatives Oshiro and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 1394) recommending that H.C.R. No. 189, HD 1 be adopted.

On motion by Representative Saiki, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 189, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BROADBAND ASSISTANCE ADVISORY COUNCIL TO CREATE A MASTER PLAN OF PROVIDING UNIVERSAL HIGH SPEED BROADBAND ACCESS IN RESORT AREAS AND OTHER AREAS OF IMPORTANCE THROUGHOUT HAWAII, INCLUDING BUT NOT LIMITED TO HONOLULU INTERNATIONAL AIRPORT AND HAWAII PUBLIC SCHOOLS," was adopted, with Representatives Oshiro and Ward being excused.

ANNOUNCEMENTS

Representative Tokioka, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, requested a waiver of the 48-hour advanced notice requirement for the purpose of conducting decision-making on the following measure on Thursday, April 9, 2015, at 8:50 a.m. in Conference Room 312, and the Chair "so ordered."

S.B. No. 1183, SD 1, Relating to State Land Mammal.

Representative Ing: "She's not here in the gallery today but she's probably watching from the office. Today is the birthday of all-star legislative aide, Mary Pham, who after the session will be attending either Columbia or Fletcher to continue her studies in International Human Rights. Happy Birthday, Mary."

At this time, the Chair stated:

"The Chair would like to remind committee chairs that today is the first crossover filing deadline for House Concurrent Resolutions. Please file your committee reports and drafts with the Chief Clerk's Office by 6:00 p.m. this evening. Also, non-FIN single referral bills, non-financial single referral bills, should be filed with the Clerk's Office by 9:00 p.m. this evening."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.R.</u> <u>No.</u>	<u>Re-referred to:</u>
152, HD1	Committee on Ocean, Marine Resources, & Hawaiian Affairs

<u>H.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
145	Committee on Health
158, HD1	Committee on Veterans, Military, & International Affairs, & Culture and the Arts
217, HD1	Committee on Ocean, Marine Resources, & Hawaiian Affairs

ADJOURNMENT

At 12:31 o'clock p.m., on motion by Representative Evans, seconded by Representative Tupola and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, April 9, 2015. (Representatives Oshiro and Ward were excused.)

HOUSE COMMUNICATIONS

House Communication dated Wednesday, April 8, 2015, from Brian L. Takeshita, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measure:

H.B. No. 268, HD 2, SD 1